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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,346	01/23/2004	Theo Artmeier	08340.105017	5776
20786	7590	04/20/2005		
KING & SPALDING LLP 191 PEACHTREE STREET, N.E. 45TH FLOOR ATLANTA, GA 30303-1763				EXAMINER KIKNADZE, IRAKLI
				ART UNIT 2882 PAPER NUMBER

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/764,346	ARTMEIER, THEO	
	Examiner Irakli Kiknadze	Art Unit 2882	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 November 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "an examination table releasable secured to the U-bow and replaceable by an alternate examination table that is independent of the movements of the U-bow" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification should teach an examination table releasable secured to the U-bow.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 5, 6, 8, 9, 11-13, 15-18 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwieker (US Patent 5,836,898) in view of Pell (US Patent 5,409,002).

With respect to claim 1, Schwieker teaches a urological working place comprising: a U-bow, having arranged thereon an x-ray source (110) at one end thereof and an image processing device (111) at the other end thereof, the image processing device (111) cooperating with the x-ray source (110); and an examination table (300), wherein the x-ray source (110) and the image processing device (111) are displaceable relative to the U-bow individually and synchronously in a transverse direction, and the

U-bow is supported in a lower area thereof so that it is tiltable in the longitudinal direction of the examination table (300) (Figs. 1 and 3; column 3, lines 50-66; column 4, lines 42-60). Schwieker is silent about the examination table releasable secured to the U-bow and replaceable by an alternate examination table that is independent of the movements of the U-bow. Pell teaches a urological working place comprising: the examination table (113b) releasable secured to a U-bow and replaceable by an alternate examination table (113a) that is independent of the movements of the U-bow (column 7, lines 33-46 and column 8, lines 23-33). It would have been obvious to one of ordinary skill in art at the time the invention was made to employ the examination table arrangement teachings of Pell in the invention of Schwieker to provide the urological working place comprising the examination table releasable secured to the U-bow for added stability while examination and replaceable by an alternate examination table that is independent of the movements of the U-bow to be used as a stand alone examination table for routine urological procedures with or without the use of x-ray unit.

With respect to claim 2, Schwieker teaches that the U-bow is structured to have associated therewith a lithotripter (206) having a focus located above a support plate (301) of the alternate examination table, wherein the central beam of the x-ray unit intersects the focus at a vertical starting position of the U-bow in a laterally non-displaced condition of the x-ray unit (110), and wherein the x-ray unit can be displaced until the central beam intersects the focus when the U-bow is in a tilted condition (Figs. 3 and 5).

With respect to claims 5 and 6, Schwieker teaches that the U-bow is tiltable in a

defined angle and the x-ray unit is displaceable on the U-bow by a defined length and in a defined direction (Fig.5; column 5, lines 1-14).

With respect to claims 8, 9 and 11, Schwieker teaches a support plate of the examination table comprises a lateral recess (304) to allow unhindered use of a therapy head (206) in conjunction with the U-bow (Fig. 4; column 4, lines 56-63).

With respect to claims 12, 13, 15 and 16, Schwieker teaches that the examination table is vertically adjustable (column 4, lines 56-63).

With respect to claims 17, 18, and 20-22, Schwieker shows that the U-bow rotates on the horizontal axis (113) providing arrangement wherein the x-ray source (110) is at the upper end of the U-bow and the image processing device (111) is at the lower end of the U-bow (Figs. 3 and 5).

5. Claims 1-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burkhardt et al. (US Patent Application Publication US 2003/0078523 A1) in view of Pell (US Patent 5,409,002).

With respect to claim 1, Burkhardt teaches a urological working place comprising: a U-bow, having arranged thereon an x-ray source (7) at one end thereof and an image processing device (8) at the other end thereof, the image processing device (8) cooperating with the x-ray source (7); and an examination table (14), wherein the x-ray source (7) and the image processing device (8) are displaceable relative to the U-bow individually and synchronously in a transverse direction, and the U-bow is supported in a lower area thereof so that it is tiltable in the longitudinal direction of the

examination table(14) (Fig.1; [0034] and [0035]). Burkhardt is silent about the examination table releasable secured to the U-bow and replaceable by an alternate examination table that is independent of the movements of the U-bow. Pell teaches a urological working place comprising: the examination table (113b) releasable secured to a U-bow and replaceable by an alternate examination table (113a) that is independent of the movements of the U-bow (column 7, lines 33-46 and column 8, lines 23-33). It would have been obvious to one of ordinary skill in art at the time the invention was made to employ the examination table arrangement teachings of Pell in the invention of Burkhardt to provide the urological working place comprising the examination table releasable secured to the U-bow for added stability while examination and replaceable by an alternate examination table that is independent of the movements of the U-bow to be used as a stand alone examination table for routine urological procedures with or without the use of x-ray unit.

With respect to claim 2, Burkhardt teaches that the U-bow is structured to have associated therewith a lithotripter (3) having a focus located above the support plate of the alternate examination table, wherein the central beam of the x-ray unit intersects the focus at a vertical starting position of the U-bow in a laterally non-displaced condition of the x-ray unit, and wherein the x-ray unit can be displaced until the central beam intersects the focus when the U-bow is in a tilted condition ([0034]-[0036]).

With respect to claims 3 and 4, Burkhardt teaches a circularly bent guide segment (11) on the U-bow, for reliably positioning a therapy head (3), having a center located on a tilting axis of the U-bow, wherein when the U-bow is tilted about the

tilting axis, the therapy head can be retained at an original position by a support that is independent of the movements of the U-bow ([0034]).

With respect to claim 7, Burkhardt teaches the U-bow is tilttable in a defined angle and the x-ray unit is displaceable on the U-bow by a defined length and in a defined direction ([0042]).

6. Claims 10, 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burkhardt et al. in view of Pell as applied to claim 3 above, and further in view of Schwieker (US Patent 5,836,898).

With respect to claim 10, Burkhardt as modified by Pell teaches the claimed invention except that a support plate of the examination table comprises a lateral recess. Schwieker teaches a urological working place comprising a support plate of the examination table comprises a lateral recess (304) to allow unhindered use of a therapy head (206) in conjunction with the U-bow (column 4, lines 56-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the patient table teachings of Schwieker in the invention of Burkhardt as modified by Pell to provide the examination table with the lateral recess because it would for unhindered use of a therapy head in conjunction with the U-bow.

With respect to claim 14, Burkhardt as modified by Pell teaches the claimed invention except that the examination table (14) is vertically adjustable. Schwieker teaches that the examination table (14) is vertically adjustable (column 4, lines 56-64) providing the most advantageous support position for a patient. It would have been

obvious to one of ordinary skill in the art at the time the invention was made to employ the patient table teachings of Schwieker in the invention of Burkhardt as modified by Pell as modified by Pell to provide the urological working place comprising the vertically adjustable examination table because it would provide the most advantageous support position for the patient during the medical treatment.

With respect to claim 19, Burkhardt teaches the claimed invention except that the x-ray source is arranged at the upper end of the U-bow and the image processing device is arranged at the lower end of the U-bow. Schwieker shows that the U-bow rotates on the horizontal axis (113) providing arrangement wherein the x-ray source (110) is at the upper end of the U-bow and the image processing device (111) is at the lower end of the U-bow (Figs. 3 and 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Schwieker in the invention of Burkhardt as modified by Pell to provide the X-ray system with additional rotating capabilities about the horizontal axis so at some position the x-ray source is arranged at the upper end of the U-bow and the image processing device is arranged at the lower end of the U-bow because it would allow to create X-ray images from any desirable viewpoint.

### ***Conclusion***

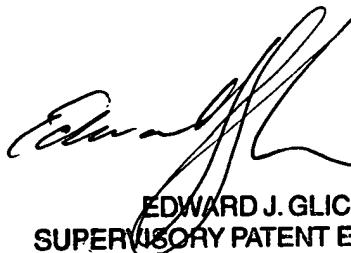
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Irakli Kiknadze whose telephone number is 571-272-2493. The examiner can normally be reached on 9:00- 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on 571-272-2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Irakli Kiknadze  
April 15, 2005

IK



EDWARD J. GLICK  
SUPERVISORY PATENT EXAMINER